IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7163 OF 2005

Dinesh Madhavrao Pawar .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Nitin Pradhan with Ms.S.D.Khot for applicant

Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 17th November 2005.

P.C.

. C.R.No.78 of 2003 came to be registered in Tasgaon police station under section 420, 406, 467 of I.P.C. on 3rd June 2003. It is not

disputed that applicant came to be arrested on 5th October 2005 and is presently in judicial custody. Case of the applicant is that the criminal law was set at motion at his instance. He was the complainant. He has alleged in his complaint that the owner and staff of cold storage and bank officers joined hands with each other and committed offence alleged by him in his complaint. It is his case that loan amount of Rs.4,90,000/- was raised by pledging rasin boxes worth Rs.12 lakhs. It may be that there is some dispute arising out of this transaction but the Sangli Urban Cooperative Bank has already approached civil court as far as present applicant is concerned. He has moved the consumer court alleging deficiency and defects in the services rendered by the cold storage. It is the case of applicant that the owner of cold storage, has after the loan was sanctioned, disposed of the rasin boxes. He has also moved in the matter immediately after he noticed that

the boxes were disposed of.

2. It is not in dispute that the investigation came to be handed over to C.I.D. Sangli. It is also not in dispute that initial action of setting the criminal law in motion was at the instance of present applicant. However, upon deeper probe and investigation, it is alleged that even the applicant is guilty of the offences.

3. It is not seriously disputed that the investigation is complete and charge sheet is likely to be filed. Custodial interrogation of the applicant is, therefore, not necessary. He has been in custody for past more than one month.

4. In these circumstances, interest of justice would be served if the applicant is enlarged on bail. Applicant has before the lower court as well as before me pointed out that he is

a permanent resident of Tasgaon and has his business at Tasgaon. He has immovable property. There are no criminal anticidents. In the light of the above following order:-

i) The applicant shall be enlarged on bail in connection with C.R.No.78 of 2003 registered at Tasgaon Police Station, Sangli in the sum of Rs.20,000/- with one or two sureties in the like amount.

ii) Applicant shall report to C.I.D. Sangli, twice a week from 10 a.m. to 12 noon till charge sheet is filed.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner

tamper with prosecution evidence.

iv) Applicant shall cooperate with the Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial;

vi) Application is disposed of in above terms;

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)